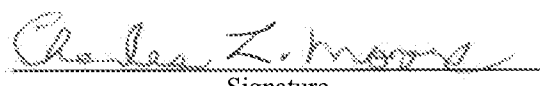
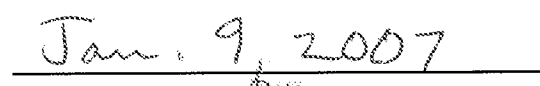


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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 014682.1						
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]</p> <p>on _____</p> <p>Signature _____</p> <p>Typed or printed Name _____</p>	<table border="1" style="width: 100%; border-collapse: collapse;"><tr><td style="width: 50%; padding: 5px;">Application Number 10/605,904</td><td style="width: 50%; padding: 5px;">Filed November 5, 2003</td></tr><tr><td colspan="2" style="padding: 5px;">First Named Inventor Monica P. Felder</td></tr><tr><td style="padding: 5px;">Art Unit 2178</td><td style="padding: 5px;">Examiner David Faber</td></tr></table>		Application Number 10/605,904	Filed November 5, 2003	First Named Inventor Monica P. Felder		Art Unit 2178	Examiner David Faber
Application Number 10/605,904	Filed November 5, 2003							
First Named Inventor Monica P. Felder								
Art Unit 2178	Examiner David Faber							
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <div style="display: flex; justify-content: space-between;"><div style="width: 45%;"><p><input type="checkbox"/> applicant/inventor.</p><p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.7.1. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p><p><input checked="" type="checkbox"/> attorney or agent of record. Registration number _____ 33,742</p><p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p></div><div style="width: 50%; text-align: center;"><div style="margin-bottom: 20px;"> _____ Signature Charles L. Moore _____ Typed or printed name 919-286-8000 _____ Telephone number</div><div style="margin-bottom: 20px;"> _____ Date</div></div></div> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>								

☐ *Total of 1 forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed applicable form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Monica P. Felder et al.)	
)	Confirmation # 2903
Application No. 10/605,904)	
)	
Filed: November 5, 2003)	
)	
Examiner: David Faber)	
Group Art Unit: 2178)	
)	
Title: METHOD AND SYSTEM TO)	
MANAGE DOCUMENTATION)	
)	
)	

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REMARKS IN SUPPORT OF PRE-APPEAL BRIEF REQUEST FOR REVIEW

Applicants submit that the current and preceding office actions issued by the Examiner in the present application contain clear errors in the Examiner's rejections as well as omissions of one or more essential elements needed for a *prima facie* rejection under 35 U.S.C. § 102 and/or 35 U.S.C. § 103.

The present invention is related to managing documentation associated with development of a software product and preventing each owner or assignee of a particular book including documentation for the software product from having to review all of the line items corresponding to changes to the software product to determine which line items may affect the owner's particular book.

Claims 1-3, 7-12, 14-15, 18-20, 26, and 30-31 were rejected in the Final Office Action under 35 U.S.C. §103(a) as being unpatentable over Moody et al. (U.S. Patent 5,890,177), in further view of Plantz et al. (U.S. Patent 6,088,702), in further view of Ehrman et al. (U.S. Patent 6,610,103). Claim 1 recites:

“assigning at least one book of a plurality of books to each of a plurality of

writers as an owner of the at least one book ..., wherein each of the plurality of books includes documentation for a software product;

assigning a predetermined number of line items to each writer ... to prevent the owner of each book from having to review all of the line items to determine which line items affect the owner's at least one book, wherein each line item corresponds to a change in the software product..."

The Office Action asserted that Moody discloses a method comprising assigning at least one book of a plurality of books to each of a plurality of writers as an owner of the at least one book. Applicant respectfully submits that Moody teaches assignment of copies of the same original document as clearly illustrated in Figure 2A and described in column 4, lines 32-40 of Moody, and Moody does not teach or suggest assigning at least one book of a plurality of books to each of a plurality of writers as provided by the embodiment of the present invention as recited in claim 1.

Additionally, the Examiner ignores the limitation in claim 1 wherein each of the plurality of books includes documentation for a software product. The Examiner later asserts that it would be obvious to combine the teachings of Ehrman with Moody in that Ehrman discloses informational text describing the updates and fixes and their effects on a base software product (second full paragraph on page 5 of the Office Action). As discussed in more detail below, a person of ordinary skill in the art would not be motivated to combine the teachings of Ehrman and Moody because Ehrman teaches that the informational text is imbedded within the program temporary fix (PTF) and not contained within a plurality of books as provided by the embodiment of the present invention as recited in claim 1 (Ehrman column 2, lines 39-43).

The Examiner further asserted that Moody teaches assigning a predetermined number of line items to each writer. Moody teaches the assignment of copies of an original document to different editors and these documents may contain lines of text but Applicant respectfully submits that Moody does not teach or suggest assigning a predetermined number of line items corresponding to a change in the software product as recited in claim 1. The Examiner is again ignoring the limitation in claim 1 wherein each line item corresponds to a change in software product. The Examiner asserts that it would be obvious to combine the teachings of Moody and Ehrman which discloses informational text describing the updates and fixes and their effects on base software product. However, as discussed in more detail

below, Applicant respectfully submits that a person of ordinary skill in the art would not be motivated to combine the teachings of Ehrman and Moody. Even if it were proper to combine Ehrman with Moody, they still would not provide the present invention as recited in claim 1. Neither Moody nor Ehrman teach or suggest assigning a predetermined number of line items to each writer to prevent the owner of each book from having to review all of the line items to determine which line items affect the owner's at least one book, and neither Moody nor Ehrman teach or suggest that each line item corresponds to a change in the software product.

The Examiner admits on page 4 of the Office Action that Moody fails to specifically disclose assigning a predetermined number of line items ... to prevent the owner of each book from having to review all of the line items to determine which line items affect the owner's at least one book. The Examiner asserts that Plantz discloses a group publishing system wherein the administrator has the ability to assign chapters to authors, wherein the author has the ability to edit sections. Applicant respectfully submits that a person of ordinary skill in the art would not be motivated to combine the teachings of Plantz with Moody. As clearly shown in Figure 3 of Moody, Moody teaches comparing edits to the same portions of a single document by different editors. Moody with reference to Figure 3 recites in column 5, lines 50-55:

“As illustrated in FIG. 3, a copy of each edited copy paragraph is displayed along with the corresponding original paragraph when the edited copy paragraph is different from the original paragraph. When reviewing the changes, the duplicate paragraphs allow the author to see the edits in the different versions of the edited paragraphs in context.”

Therefore, Applicant respectfully submits that Moody teaches away from assigning different chapters of a book to different editors as taught by Plantz as indicated in the Office Action on page 4 because Moody wants to compare edits to the same portions of the document by different editors. The Examiner further asserts on page 5 of the Office Action that it would be obvious of one of ordinary skill in the art to combine Moody and Plantz since it would provide the benefit of assigning work that eliminates the use of repetition reviewing and lessening the time and performance cost by avoiding more than one author or editor reviewing the same number of line items. Applicant respectfully submits that this is contrary to the teachings of Moody as just discussed. Accordingly, Applicant respectfully

submits that a person of ordinary skill in the art would not be motivated to combine the teachings of Plantz with Moody and such combination would constitute clear error.

Even if it were proper to combine the teachings of Moody and Plantz, they still would not provide essential elements as recited in claim 1. The Examiner on page 5 of the Office Action admits that Moody and Plantz fail to specifically disclose that each line item corresponds to a change in a software product and that each of the plurality of books includes documentation for a software product. The Examiner cites Ehrman for disclosing informational text describing the updates and fixes and their effects on the based software product (page 5 of the Office Action). Applicant respectfully submits that there is no teaching or suggestion in Ehrman, Moody or Plantz that their teachings may be combined so as to provide the embodiment of the present invention as recited in claim 1 and such motivation only comes from Applicant's disclosure. This constitutes improper hindsight under MPEP §706.02(j). Ehrman in column 2, lines 39-43 recites:

“The present invention discloses a method, apparatus and article of manufacture for providing informational text describing the updates and fixes of a program temporary fix (PTF), wherein the informational text is embedded within the PTF.”

Accordingly, Applicant respectfully submits that Ehrman teaches away from a plurality of books including documentation for the software product and a person of ordinary skill in the art would not be motivated to combine the teachings of Ehrman with Moody and Plantz so as to provide the present invention as recited in claim 1. Additionally, Moody teaches a method and apparatus for comparing and consolidating edits to multiple copies of a single document using a word processing program and Plantz teaches a group publishing system for permitting coordinated publishing, assembly and administration of text by an unlimited number of authors or editors each of whom may be performing word processing, document assembly and editing functions. Accordingly, neither Moody nor Plantz are related in any way to software development or documentation of modifications made to a base software product as taught by Ehrman, and Ehrman has no relationship to group publishing or editing the same document by multiple editors to derive a consolidated document as taught by Plantz and Moody respectively. Applicant respectfully submits that Plantz, Moody and Ehrman are from non-analogous art areas and a person of ordinary skill in the art would not be motivated to combine their teachings, and such motivation can only

come from Applicant's disclosure. Thus, the combination of these documents is respectively submitted to be clearly improper.

Even if it were proper to combine the teachings of Ehrman, Moody and Plantz, they still would not provide the present invention as recited in the embodiment of claim 1. As previously discussed, neither Moody, Plantz nor Ehrman teach or suggest a plurality of books each including documentation for a software product. Ehrman teaches that the documentation is embedded within the program temporary fix as previously discussed. Further, neither Moody, Plantz or Ehrman teach or suggest assigning a predetermined number of line item to each writer ... to prevent the owner of each book from having to review all of the line items to determine which line items affect the owner's at least one book, wherein each line item corresponds to a change in the software product as recited in claim 1. Line items corresponding to a change in a software product are submitted to be patentably distinguishable from lines of text in the document of Moody or Plantz, and Ehrman does not teach or suggest the feature of line items corresponding to changes in a software product or a plurality of books including documentation for the software product.

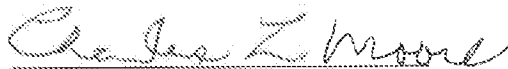
Independent claims 14, 21, 26 and 32 recite similar features to independent claim 1. Accordingly, Applicant respectfully submits that the rejection of these claims is also clearly improper for the same reasons as discussed with respect to claim 1.

As the Examiner's rejections have been shown to be in clear error and lack essential elements of a *prima facie* anticipation rejection or a *prima facie* obviousness rejection, Applicants respectfully request that the claims of the present application be allowed to issue.

Respectfully submitted,

Date: January 9, 2007

By:



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